


Request for and Issuance of Legal Opinions

	Louisiana Department of Health (LDH)	
	Policy Number	8.1
	Content	Establishes guidelines for the request and issuance of legal opinions
	Effective Date	August 20, 1999
	Inquiries to	Office of the Secretary Bureau of Legal Services P.O. Box 3836 Baton Rouge, LA 70821-3836 (225) 342-1128 FAX (225) 342-2232

If there is a discrepancy between an LDH Policy and a Program Office or facility policy, the LDH policy shall govern/overrule/supersede the conflicting section within the Program Office or facility policy.

I. PURPOSE

The purpose of this policy is to ensure consistency, uniformity, and record keeping and to inform top management (Secretary, Deputy Secretary, and Undersecretary) of the requests for, and the release of, legal opinions.

II. APPLICABILITY

This policy applies to all Louisiana Department of Health (LDH) employees.

III. EFFECTIVE DATE

The effective date of this policy is (the date of the Secretary's signature).

IV. POLICY STATEMENT

It is the policy of LDH to establish formal procedures for requesting and issuing legal opinions to ensure awareness by top management, consistency, uniformity, and record keeping by adhering to the following guidelines:

A **legal opinion** is defined as a written opinion formulated by the Bureau of Legal Services in response to a written request submitted by an appropriate employee of LDH, as identified in this policy, dealing with legal matters of significant concern to LDH.

Said request shall concern only actual, not hypothetical, situations and shall not involve matters regularly reviewed by the Bureau of Legal Services such as disciplinary actions, judicial commitments, responses to subpoenas or court orders, or other routine matters.

A. Requests

All requests for legal opinions must be over the signature of the Secretary, Deputy Secretary, Undersecretary, Assistant Secretary, Medicaid Director, Health Standards Section Director, or his/her designee. The designee must report directly to the designator. All requests must be submitted using the form included at the end of this policy.

Requests for legal opinions must be submitted directly to the LDH General Counsel for assignment to the appropriate section within the Bureau of Legal Services. Upon receipt of the request, the General Counsel, or his/her designee, shall: 1) obtain a legal opinion number; 2) assign an attorney to draft a response; and, 3) give written confirmation of receipt of the request to the individual making such request. The written confirmation shall indicate the date of receipt, the attorney assigned to draft a response, and the legal opinion number assigned to the request. The legal opinion number shall be obtained from the individual designated by the General Counsel to maintain all requests and legal opinions issued.

B. Issuance/Release

Drafts of all legal opinions must be submitted to the General Counsel, or his/her designee, for approval prior to issuance. The General Counsel, or his/her designee, shall review each legal opinion with the Executive Counsel prior to its release. The original of the released opinion shall be maintained by the Bureau of Legal Services, and a copy of the released opinion shall be forwarded to the person requesting the opinion.

V. ATTORNEY GENERAL OPINIONS AND BOARD OF ETHICS ADVISORY OPINIONS

Requests for Attorney General's opinions and Ethics Board advisory opinions shall also be forwarded to the General Counsel's office so that all such requests emanate from the General Counsel, in accord with established practice.

VI. REVISION HISTORY

Date	Revision
August 20, 1999	Policy created
April 9, 2019	Housekeeping changes (Section IV, page 2)

LOUISIANA DEPARTMENT OF HEALTH LEGAL OPINION REQUEST FORM

Date: _____

To: _____
General Counsel

From: _____

Title: Secretary/Deputy Secretary/Undersecretary/Asst Secretary/Medicaid Director/HSS Director
(Circle one)

Section: _____

Contact Person for additional information, if needed.

Name: _____

Phone: _____

Email: _____

Please provide a clear and concise statement of the issue or question presented for an opinion.

Please provide an explanation of why the request is being made, including background information, and attach all relevant documents.